IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 11753 of 2005

Between:

1 R. Subba Rao, S/o. hariprasad,
R/o. Prattipadu, Guntur District, Licencee of M/s. Gopi Krishna wines.
2 K. Ramakrishna Reddy, S/o. Jayaram Reddy,
D.No. 152, Rajivagandhi Nagar, Bachupally, R.R.district,
Licence of M/s. KJR Wines.
3 V. Sekhar Reddy, S/o. Narayana Reddy,
D.No. 1-29, Bowrampet, R.R.District,
Licencee of M/s. Sri Durga Wines.
4 K. Krishna Reddy, S/o. Madhav Reddy,
Sy.No. 334, Bachupally R.R.District, Licencee of M/s. Raghu Sai Wines.
5 J. Kumar Gouds, S/o.Kistaih,
Ranga Reddy District, Licencee of M/s. Harini Wines.
6 A. Venkatesh Goud, s/o. Gowlaiah,
Pochampally, R.R.District, Licencee of M/s. Sri Balaji Wines.
7 b. Janardhan Goud, S/o. Mallesh goud,
R.R.District, Licencee of M/s. Sri Kanaka Durga Wines.
8 a. Sridhar Goud, S/o. Laxminarayan goud,
Dommaraochampally, R.R.District, Licencee of M/s. Sri Durga Wines.
9 U. Jayaraj Reddy, s/o. Papi Reddy,
R.R.District, Licencee of M/s. Lucky wines.
10 Y. Ravinder Reddy, S/io. Krishna Reddy,
Licencee of M/s. Swathi Wines.
11 boddy Anjaiah, s/o. Mallaiah,
H.No. 7-37, Toopran Medak District, Licencee of M/s. Lakshmi Narasimha wines.
12 S. Susendhar Goud, S/o. Yodha Reddy,
H.No. 4-65, Kallaghal, Medak District, Licencee of M/s. Thirumala Wines.
13 K. Jayavardhan Reddy, S/o. Narasimha Reddy,
H.No. 13-148/2, Toopran, Medak District. Licencee of M/s. Jaya Sri Wines.
14 K.Linga Reddy, S/o.Narayana Reddy,

H.No.13-148/1 Toopran Medak Dist. Licencee of M/s. Raja Wines.

15 D.Prabhakar Reddy, S/o.Penta Reddy,
Sy.No.13-65 Toopran Medak District, M/s.Kalyani Wines.

16 M.Janardhan, S/o.Yenkaiah,
New Building, Pothurajupally
Medak Dist. Licencee of M/s.Manikanta Wines.

17 B.Madhusudhan Goud S/o.Ramachander Goud
Main Road, Ramayampet Medak District Licencee of M/s. Nandi Wines.

18 C.Suresh Goud, S/o.Kista Goud,
H.No.6-166 Toopran Medak District, Licencee of M/s. Nandi Wines.

19 K.Srinivas Goud, S/o.Kista Goud,
H.NO.11-371 Jogipet Medak District, Licencee of M/s.Chandramouleswari Wines.

20 M.Bhaskar S/o.Ramulu,
H.NO.9-3-139/1 Siddipet Medak District,
Licencee of M/s.Royal Wines.

21 P.Shankar, S/o.Yellaiah,
H.NO.3-4-100 Siddipet, Medak District, Licencee of M/s.Raghu Sai Wines
Licencee of M/s.Raghu Sai Wines.

22 M.Venkata Rama Reddy, S/o.Gopal Reddy,
H.No.11-164 Gajwel Medak District, Licencee of M/s.Ujwala Wines

23 G.Mallesham, S/o. Balaiah,
H.No.10-159 Gajwel, Medak District. Licencee of M/s. New Ujwala Wines.

24 B.Satyanarayana, S/o.Narsaiah,
H.No.11-157 Gajwel Medak District. Licencee of M/s.Sri Durga Wines.

25 K.Yadhi Reddy, S/o.Ranga reddy,
H.No.10-43/4, Gajwel Medak District.
Licencee of M/s.Balaji Wines.

26 G.Veerendhar, S/o.Anantha Ramulu,
Pulical Medak District.

27 P.Raja Narsaiah, S/o.Bale Goud
H.O.11-162 Gajwel Medak District, Licencee of M/s. Shiva Sai Wines.

28 G.Raja Reddy, S/o.Venkata Reddy,
H.No.13-149 Gajwel Medak District. Licencee of M/s. Raja Rajeswari Wines.

29 P.Gurumurthy S/o.Veera Goud
H.No.11-6/1 Pragnapur Medak District Licence of M/s. Sri Sai Wines.

30 Harimohan Reddy, S/o.Janardhan Reddy,
H.No.10-80 Pragnapur Medak District. Licencee of M/s.Rama Sai Wines.

31 P.Chandranna, S/o.Narsaiah,
H.No.10-83 Pragnapur Medak District. Licencee of M/s.Sai Srinivasa Wines.

32 P.Ganesh, S/o.Bala goud,
H.No.4-56 Kuknoorpally Medak District. Licencee of M/s.Radhakrishna Wines.

33 P.Madhu Goud, S/o.Gopa Goud
H.No.6-83 Kuknoorpally Medak District Licencee of M/s.Renuka Wines.

34 R.Anjaneyulu Goud, S/o.Balanarasa Goud
H.No.10-15 Gajwel Medak District, Licencee of M/s.Maruthi Wines.

35 M.Ramdhas Goud S/o.Chandra Sekhar
H.NO.9-2-68 Siddipet Medak District,
Licencee of M/s.Sheetal Wines.

36 M.Adhinarayana, s/o Balaiah,
H.No.2-29, Dudeda Medak District. Licencee of M/s.Sri Satya Sai Wines.

37 P.Shankar Goud, s/o Ramachandraiah,

H.No.8-1-32, Siddipet, Medak District. Licencee of M/s.Sri Satya Wines

38 M.Srinivas, s/o Ramulu,
S.No.1032 Rangadhamipally Medak District. Licencee of M/s.Sri Balaji Wines

39 Ranga Raja Lingam, s/o Shankaraiah,
4-31, Saroornagar, Ranga Reddy District Licencee of M/s.Rajadhani Wines.

40 K.B.Sowraj, s/o Abdullaji,
Atmakur, Mehaboobnagar District. Licencee of M/s.Balaji Wines.

41 Smt.Y.Premeelamma, w/o Nagabhushanam,
Bypass Road, Anantapur Licencee of Sri Malleswari Wines.

42 Kopperla Adi Reddy, s/o Golla Reddy,
Pamidi, Anantapur District Licencee of M/s.Anil Wines

43 A.Shiva Prasada Reddy, s/o Hanumantha Reddy,
Main Road, Garladinne, Ananthapur District Licencee of M/s.Sri Sai Wines

44 K.Mahaboob Peera, s/o Mohammad Hussain,
Garladinne, Anantapur District Licencee of M/s.Sri Venkata Sai Wines

45 B.Srikantha Goud, s/o Anjaneyulu Goud,
BCC Road, Pamidi, Anantapur District Licencee of M/s.Kiran Wines

46 T.Sriramulu, s/o Kambagiri,
BCC Road, Pamidi, Anantapur District Licencee of M/s.Surya Wines

47 T.Gopinatha Reddy, s/o Krishna Reddy,
Main Road, Yeguvapalli, Anantapur District Licencee of M/s.Sri Sai Wines

48 K.Swaroopa Rani, w/o K.Satyanarayana,
Yellandu, Khammam District Licencee of M/s.Sangeeta Wines

49 Pullaiah, s/o Narsaiah,
Yellandu, Khammam District Licencee of M/s.Maremma Wines.

50 N.Koteswara Rao, s/o Narasimha Rao,
Yellandu, Khammam District Licencee of M/s.Balaji Wines

51 Appala Sampath Kumar, s/o Veeraiah,
Challasamudram, Khammam District Licencee of M/s.Vijayalakshmi Wines

52 Nallabolu Suraiah, s/o Pitchaiah,
Tekulapalli, Khammam District. Licencee of M/s.Ravi Wines

53 S.B.V.R.V.D.Prasad, s/o Satyanarayana,
Chandrugunda, Khammam District Licencee of M/s.Sri Kanakadurga Wines

54 Meda Mohan Rao, s/o Krishnaiah,
Chandrugunda, Khammam District Licencee of M/s.Sri Raghavendra Wines

55 M.Venkateswara Rao, s/o Krishna Rao,
Yerragunta, Khammam District Licencee of M/s.Prince Wines

56 Anil Pandey, s/o S.Pandey,
r/o Bhadrachalam, Chittoor, Khammam District.
Licencee of M/s.Ganga Wines

57 Deepak Pandey, s/o S.Pandey,
r/o Bhadrachalam, Chintoor, Khammam District.

58 Aleem Khan, s/o Md.Azeezkhan,
r/o Bhadrachalam, Dummagudem, Khammam District Licencee of M/s.Sony Wines.

59 Md. Salauddin Khan, S/o Saleem Khan,
R/o Bhadrachalam, Seetharampuram, Dummagudem Mandal, Khammam District,
Licensee of M/s Shabnam Wines.

60 K. Nageswara Rao, S/o Pothuraju,
R/o Dharmaram, Wajedu Mandal, Khammam District,
Licensee of M/s Dhanalaxmi Wines.

61 Kolla Rambabu S/o Satyanarayana,

R/o Kothagudem, Khammam District,
Licensee of M/s Sree Durga Wines.

62 M. Satyam, S/o Lingaiah,
R/o Kothagudem, Khammam District,
Licensee of M/s Sri Sai Wines.

63 Neduri Rajeswara Rao, S/o Rangaiah,
R/o Rudrampur, Khammam District,
Licensee of M/s Mahalaxmi Wines.

64 Athuluri Venkateswar Rao, S/o Gangadhar,
R/o Rudrampur, Khammam District,
Licensee of M/s Sri Krishna Sai Wines.

65 Nimishakari Raja Ratnam, S/o Gattaiah,
R/o Penugadapa, Khammam District,
Licensee of M/s Sri N.N. Wines.

66 M. Rajendra Prasad, S/o Sri Ramulu,
R/o Ramavaram, Khammam District,
Licensee of M/s Vijaya Durga Wines.

67 A. Renuka Prasad, S/o A.V.R. Rama Rao,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Amritja Wines.

68 B. Sesha Kumari, W/o Late Pullaiah,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Gopi Krishna Wines.

69 S. Pandey, S/o Ganesh Pandey,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Sagar Wines.

70 Ch. Seetharam Reddy, S/o Pulla Reddy,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Yamuna Wines.

71 J. Sarveswara Rao, S/o Seethaiah,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Sai Sagar Wines.

72 Y. Venkata Rathnam, S/o Veera Raghava Rao,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Gowthami Wines.

73 D. Radhakrishna, S/o Gopaiah,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Renu Wines.

74 G. Chandra Mouli, S/o Veeraiah,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Old Apsara Wines.

75 Bandi Vishnu Vardan Rao, S/o Ramaiah,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Venkataramana Wines.

76 A. Jagadish, S/o A.V.R. Anjaneyulu,
R/o Bhadrachalam, Khammam District,
Licensee of M/s Balaji Wines.

77 S. Venkateswara Raju, S/o Eswara Raju,
R/o Sarapaka, Khammam District,
Licensee of M/s Teja Wines.

78 K. Sammaiah, S/o Komaraiah,
R/o Sarapaka, Khammam District,
Licensee of M/s Manorama Wines.

79 V. Murali, S/o Ramaiah,
R/o Sarapaka, Khammam District,
Licensee of M/s Swagat Wines.

80 R. Koteswara Rao, S/o Kistaiah,
R/o Janampeta, Khammam District,
Licensee of M/s Sneha Wines.

81 Bhupal Reddy, S/o Venkata Reddy,
R/o Aswapuram, Khammam District,
Licensee of M/s Prasanna Wines.

82 Kandula Ramesh Babu S/o. Pullaiah
R/o. Bhadrachalam Khammam District,
Licensee of M/s Sri Durga Wines.

83 Y. Ramachander Rao S/o. Veerabhadram
R/o. Bhadrachalam Khammam District,
Licensee of M/s Godavari Wines.

84 B. Siva Kameswara Rao S/o. Sri Rama Murhty
R/o. Bhadrachalam Khammam District,
Licensee of M/s Apsara Wines.

85 M. Veeraiah S/o. Anantha Ramaiah
R/o. Bhadrachalam Khammam District,
Licensee of M/s Sri Vijaya Durga Wines.

86 Y. Rama Rao S/o. Narayana
R/o. Bhadrachalam Khammam District,
Licensee of M/s Sri Rama Wines.

87 B. Srinivas S/o. Varadaiah
R/o. Cherla Khammam District,
Licensee of M/s Kinnera Wines.

88 K. Somi Reddy S/o. Sathi Reddy
R/o. Cherla Khammam District,
Licensee of M/s Balaji Wines.

89 T. Srinivasa Rao S/o. Venkateswarlu,
R/o. Venkatapuram Khammam District,
Licensee of M/s Sunny Wines.

90 P. Venkata Rathnam S/o. Malakondaiah
R/o. Venkatapuram Khammam District,
Licensee of M/s Anitha Wines.

91 S. Rama Rao S/o. Subba Rao
R/o. Venkatapuram Khammam District,
Licensee of M/s S.R. Wines.

92 Reddymalla Krishnarjuna Rao S/o. Venkataiah
FR/o. V. R. Puram Khammam District,
Licensee of M/s Sai Rama Wines.

93 Kallam Satya Narayana S/o. Hari Krishna
R/o. Kunavaram Khammam District,
Licensee of M/s Sabari Wines.

94 A. Sri Rama Chandra Murthy S/o. Pothu Raju
R/o. Mothugudem Chintoor Mandal, Khammam DIstrict.
Licensee of M/s Srinivasa Wines.

95 R. Satyanarayana S/o. Tirupaiah
R/o. Kunavaram Khammam DIstrict.
Licensee of M/s New Galaxy Wines.

96 N. Satyanarayana S/o. Dalaiah
R/o. V.R. Puram Khammam DIstrict.

Licensee of M/s Venkata Laxmi Wines,
97 Alladi Satyanarayana S/o. Pothu Raju
Khammam DIstrict.
Licensee of M/s Sri Venkateswara Wines,
98 S. Ravindra Prasad S/o. Vijaya Rama Rao
Khammam DIstrict.
Licensee of M/s Srinivasa Wines.
99 B. Srinivasa Rao S/o. Ramaiah
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Naveen Wines.
100 N. Radha Krishna S/o. Veeraiah
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Dimple Wines
101 B. Raja Lingaiah S/o. Bhadraiah
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Prasanth Wines,
102 T. Venkata Ramana S/o. Venkaiah
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Ramba Wines,
103 Ch. Sydulu S/o. Guravaiah
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Apsara Wines
104 G.Venkata Reddy S/o. Bhadra Reddy
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Sri SaiWines
105 Y. Janardan S/o. Raja Mouli
R/o. Pinapaka Khammam DIstrict.
Licensee of M/s Om Sai Mukunda Wines
106 S. Ashok Reddy, S/o. Bali Reddy,
R/o. Pinapaka, Khyammam District, Licensee of M/s. Sri Balaji wines.
107 S. Rajeswara Rao, s/o. Mallaiah,
R/o. Pinapaka Khammam District, Licensee of M/s. Sri Sri Sri Kanaka Durga Wines.
108 B. Gowri Prasad, S/o. Veerabhadraiah,
r/o. Manuguru, Khammam District,
Licensee of M/s. Sneha Wines
109 D. Thirupalu, S/o. Venkata Swamy,
R/o. Manuguru, Khammam District, Licensee of M/s. Sri Sri Sri Laxmi Durga Wines.
110 K. Satya Narayana, S/o. Gangaiah,
R/o. Manuguru, Khammam District, Licensee of M/s. Laxmi Wines.
111 J. Mallikarjuna Rao, S/o. Veera Venkaiah,
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Sagar Wines
112 P. Subrahmanyeswara Rao, S/o. Rama Krishna Rao,
R/o. Manuguru Khammam DIstrict.
Licensee of M/s Kalpana Wines
113 D. Punna Rao, S/o. Narayana,
r/o. Manuguru, Khammam District,
Licensee of M/s. Saritha Wines.
114 G. Sanjeeva Reddy, S/o. Peda Ranga Reddy,
R/o. Manuguru, Khammam district,
Licensee of M/s. Mounika Wines.

115 D. Krishna, S/o. Surya Narayana,
R/o. Manuguru, Khammam district, Licensee of M/s. Bala Balaji Wines.

116 D. Jagannadha Raju, s/o. D.B.V. Raju,
R/o. Manuguru, Khammam District, Licensee of M/s. Sri Rama Wines.
117 Md. Rahimunnisa Begam, W/o. Late Abdul Khadar,
R,/o. Manuguru, Khammam District, Licensee of M/s. Thrimurthi Wines.
118 R. Nagaraju Goud, S/o. R. Venkataswamy Goud,
Licencee of M/s. Anand wines.
119 P. Kiran, S/o. P. Johar,
Licencee of M/s. Vijayadurga Wines,
120 E. Venkateswarlu Goud, S/o. E. Chinnaseshanna Goud,
Gergyapuram Village, Kurnool Mandal and District, Licencee of M/s. Sree Lakshmi Wines.
121 P. Venkataramana Goud, S/o. P. Surya Goud,
Market yard, Opp. New Busstand, Kurnool, Licencee of M/s. Venkataramana Wines.
122 G. Subbarayudu, S/o. G. Chinna Basaiah,
Market yard, Opp to New Bus Stand, Kurnool, Licencee of M/s. Sree Rama Wines.
123 B. Sai Krishna Goud, S/o. B. Subbaiah,
G. Singavanam Village, Kurnool Mandal and District, Licencee of of M/s. Teja Wines.
124 P. Rambabu S/o. Lakshmaiah,
Pamuru, Prakasam District, Licencee of M/s. Sri Sai Wines.
125 G. Subbarayudu, S/o. G. Bapaiah,
Pamuru, Prakasam District, Licencee of M/s. Kalyani Wines.
126 P. Nageswara Reddy, S/o. D. Seshi Reddy,
Bethamcherla Vill and Mandal, Kurnool District,
Licencee of M/s. Ramya Wines,
127 Smt. N. Lakshmi Devi, W/o. Viswanadha Reddy,
8-63, Kanala , Kurnool District, Licencee of M/s. Kamakshi Wines.
128 K. Ramakrishna Goud, S/o. Buda Goud,
Main Road, Ramaympet, Medak District, Licencee of M/s. Balaji wines.

..... PETITIONERS

AND

1The Govt of A.P., rep. by Spl. Chief Secretary to Govt., Revenue (Excise II) Department, Secretariat, Hyd.
2The Commissioner of Prohibition and Excise, Nampally, Hyderabad.
3The Prohibition and Excise Superintendent, R.R.District.
4the Prohibition and Excise Superintendent, Medak District.
5the Prohibition and Excise Superintendent, Mahabubnagar District.
6the Prohibition and Excise Superintendent, Khammam District.
7The Prohibition and Excise Superintendent, Anantapur District.
8The Prohibition and Excise Superintendent, Guntur District.
9the Prohibition and Excise Superintendent, Kurnool district.
10The District Collector, Prakasam District.
11The District Collector, R.R.district.

12The District Collector, Medak.
13the District Collector, Mahabubnagar.
14the District Collector, Khammam District.
15the District Collector, Anantapur District.
16the District Collector, Guntur District.
17The District Collector, Prakasam District.
18The District Collector, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring the rules issued in G.O. Ms. No. 998, Revenue, (Excise II) Department, dated 24.5.2005 more specially Rule 14 and Rule 23(A) of the Andhra Pradesh Excise (Lease of Right of selling by Shop and Conditions of Licence) Rules, 2005 as illegal, arbitrary and unconstitutional and violative of Article 14 of the Constitution of India and pass such further or other orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioners:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

Learned counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition. Permission accorded.

The writ petition is accordingly dismissed as withdrawn. No costs.

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BILAL NAZKI, ACJ

DATE: 29th June, 2005

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G.CHANDRAIAH ,J

Pnb

To

1. The Spl. Chief Secretary to Govt., Govt of A.P., Revenue (Excise II) Department, Secretariat, Hyderabad.
2. The Commissioner of Prohibition and Excise, Nampally, Hyderabad.
3. The Prohibition and Excise Superintendent, R.R.District.
4. The Prohibition and Excise Superintendent, Medak District.
5. The Prohibition and Excise Superintendent, Mahabubnagar District.
6. The Prohibition and Excise Superintendent, Khammam District.
7. The Prohibition and Excise Superintendent, Anantapur District.
8. The Prohibition and Excise Superintendent, Guntur District.
9. The Prohibition and Excise Superintendent, Kurnool district.
10. The District Collector, Prakasam District.
11. The District Collector, R.R.district.
12. The District Collector, Medak.
13. The District Collector, Mahabubnagar.
14. The District Collector, Khammam District.
15. The District Collector, Anantapur District.
16. The District Collector, Guntur District.
17. The District Collector, Prakasam District.
18. The District Collector, Kurnool District.

19. Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court Buildings, Hyderabad. (OUT)

20. Two C.D. copies